

in Bankruptcy Code section 109. In the absence of obtaining the consent of a majority of its creditors, section 109 requires the municipality, in pertinent part, to have negotiated in good faith with its creditors or prove that it is unable to negotiate with its creditors because such negotiation is impracticable.

Section 2(a) of the bill amends Bankruptcy Code section 109 in three respects. First, it provides clear guidance to the bankruptcy court that the term "good faith" is intended to have the same meaning as it has under the National Labor Relations Act at least with respect to creditors who are employees or retirees of the debtor. Second, section 2(a) revises the standard for futility of negotiation from "impracticable" to "impossible." This change ensures that before a municipality may avail itself of chapter 9 bankruptcy relief it must prove that there was no possible way it could have engaged in negotiation in lieu of seeking such relief. Third, the amendment clarifies that the standard of proof that the municipality must meet is "clear and convincing" rather than a preponderance of the evidence. These revisions to section 109 will provide greater guidance to the bankruptcy court in assessing whether a municipality has satisfied the Bankruptcy Code's eligibility requirements for being granted relief under chapter 9.

Bankruptcy Code section 921(e), in relevant part, prohibits a bankruptcy court from ordering a stay of any proceeding arising in a chapter 9 case on account of an appeal from an order granting a municipality's petition to be a debtor under chapter 9. Section 2(b) strikes this prohibition thereby allowing a court to issue a stay of any proceeding during the pendency of such an appeal. This ensures that the status quo can be maintained until there is a final appellate determination of whether a municipality is legally eligible to be a chapter 9 debtor.

Typically, an appeal of a bankruptcy court decision is heard by a district or bankruptcy appellate panel court. Under limited circumstances, however, a direct appeal from a bankruptcy court decision may be heard by a court of appeals. Until a final determination is made as to whether a municipality is eligible to be a debtor under chapter 9 of the Bankruptcy Code, the rights and responsibilities of numerous stakeholders are unclear. To expedite the appellate process and promote greater certainty to all stakeholders in the case, section 2(c) of the bill allows an appeal of a bankruptcy court order granting a municipality's petition to be a chapter 9 debtor to be filed directly with the court of appeals. In addition, section 2(c) requires the court of appeals to hear such appeal *de novo* on the merits as well as to determine it on an expedited basis. Finally, section 2(c) specifies that the doctrine of equitable mootness does not apply to such an appeal.

Sec. 3. Protecting Employees and Retirees. The chapter 9 debtor must file a plan for the adjustment of the municipality's debts that then must be confirmed by the bankruptcy court if it satisfies certain criteria specified in Bankruptcy Code section 943. Section 3 of the bill makes several amendments to current law intended to ensure that interests of municipal employees and retirees are better protected. With respect to plan confirmation requirements, section 3 amends Bankruptcy Code section 943 to require consent from such employees and retirees to any plan that impairs—in a manner prohibited by non-bankruptcy law—a collective bargaining agreement, a retiree benefit, including an accrued pension, retiree health, or other retirement benefit protected by state or municipal law or as defined in Bankruptcy Code section 1114(a).

Such consent would be conveyed to the court by the authorized representative of

such individuals. Subject to certain exceptions, section 3 specifies that the authorized representative of individuals receiving any retirement benefits pursuant to a collective bargaining agreement is the labor organization that signed such agreement unless such organization no longer represents active employees. Where the organization no longer represents active employees of the municipality, the labor organization that currently represents active employees in that bargaining unit is the authorized representative of such individuals.

Section 3 provides that the exceptions apply if: (1) the labor organization chooses not to serve as the authorized representative; or (2) the court determines, after a motion by a party in interest and after notice and a hearing, that different representation is appropriate. Under either circumstance, the court, upon motion by any party in interest and after notice and a hearing, must order the United States Trustee to appoint a committee of retired employees if the debtor seeks to modify or not pay the retiree benefits or if the court otherwise determines that it is appropriate for that committee be comprised of such individuals to serve as the authorized representative.

With respect to retired employees not covered by a collective bargaining agreement, the court, on motion by a party in interest after notice and a hearing, must order the United States Trustee to appoint a committee of retired employees if the debtor seeks to modify or not pay retiree benefits, or if the court otherwise determines that it is appropriate to serve as the authorized representative of such employees. Section 3 provides that the party requesting the appointment of a committee has the burden of proof.

Where the court grants a motion for the appointment of a retiree committee, section 3 requires the United States Trustee to choose individuals to serve on the committee on a proportional basis per capita based on organization membership from among members of the organizations that represent the individuals with respect to whom such order is entered. This requirement ensures that in a case where there are multiple labor organizations, the committee fairly represents the interests of the members of those various organizations on a proportional basis.

Finally, section 3 of the bill imposes a significant threshold that must be met before retiree benefits can be reduced or eliminated. Current law has no such requirement. In a case where the municipality proposes in its plan to impair any right to a retiree benefit, section 3 permits the committee to support such impairment only if at least two-thirds of its members vote in favor of doing so.

#### HONORING ED HATRICK

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2014

Mr. WOLF. Mr. Speaker, I rise today to honor Mr. Ed Hatrick, who served as superintendent of Loudoun County Public Schools for 23 years before retiring on June 30.

Ed spent his entire career in Loudoun County, starting as a high school English teacher in 1967. He also served as a principal, director of special education, director of instruction, supervisor of guidance and foreign languages and assistant superintendent for pupil services before becoming superintendent in 1991.

As superintendent, Ed has watched Loudoun grow from a rural farming community

with 8,000 students into a suburban community with a student population of 70,000 students. Since 1991, Loudoun County has constructed 54 new schools and renovated 33 more.

Ed has served as president of the Urban Superintendents Association of America and president of the American Association of School Administrators. He also has served in numerous professional and community offices and has been recognized for his work by the General Assembly of Virginia. He received an honorary doctor of humanities degree from Shenandoah University for his community service.

I am pleased to submit the following article from Leesburg Today on Ed's career and retirement. I ask that my colleagues join me in congratulating him for many years of distinguished service to our nation's youth.

[From Leesburg Today, June 24, 2014.]

SUPERINTENDENT HATRICK HONORED AS

"UNCOMMON COMMON MAN"

(By Danielle Nadler)

Even at 9:30 p.m. on a Friday, Edgar B. Hatrick III couldn't help but teach.

Standing in a sprawling ballroom with some of the commonwealth's most influential individuals at his retirement dinner, the 23-year superintendent and former high school English teacher launched into a metaphor.

He said, as geese fly in formation they offer encouragement to the lead goose through their honking, and when the lead goose tires, another pulls forward to take the lead. The story left many in the room chuckling. They'd heard it repeated at staff meetings and back-to-school orientations over the years.

Hatrack laughed with them, before finally interrupting the chatter to say, "That's what being in Loudoun County Public Schools has been all about."

"I have felt the warmth, the support and the understanding that has led me to say if I had to do it all over again—the whole 47-and-a-half years—I would not change one thing," he said, fighting back tears. "It has been just that wonderful to be able to work with you to build up this school system."

Hatrack, 68, retires Monday as the region's longest serving superintendent. More than 500 people crowded the National Conference Center ballroom Friday to thank Hatrick for his service to help shape the learning experiences of hundreds of thousands of students in Virginia.

Politicians and fellow school administrators praised Hatrick for his influence on public education on a national and even global scale. He drew attention to Loudoun when it was the fastest growing school system in the country, opening 50 new schools to keep up with enrollment that has increased by 53,637 students during his tenure. And as former president of the American Association of School Administrators, he united superintendents to advocate better measures of schools' effectiveness than the federal No Child Left Behind model.

AASA Executive Director Dan Domenech described him as "a recognized brand for education around the world."

But it was the stories of Hatrick, from as early as his high school years when friends knew him as Skip, that best illustrate what he's been to Loudoun County, an individual the Loudoun Education Foundation called an "uncommon common man."

His former classmate Carolyn Whitely and Evan Mohler, former assistant superintendent for Support Services, described Hatrick as the student teachers wanted in

their classes, and the teen who set the bar on test scores and class projects.

"As a teenager, he was very focused and very hardworking," Whitely said.

"He was shaping education in Loudoun County back in 1962," Mohler said, "and here we are 52 years later—he's still setting the standard of excellence."

He spent his entire educational career in Loudoun's public schools, first on the payroll as a school bus driver during his senior year in high school. He graduated from Loudoun County High School in 1963 and returned to his alma mater after four years of college to teach English.

He especially loved teaching British literature, former Broad Run High School teacher Jo Ann Pearson recalled. So much so that he required one of his senior classes to memorize the bulk of the Canterbury Tales Prologue in Middle English.

Hatrick commented on this bit of leaked information later in the evening, saying, "In my defense, I listened to each of them recite it."

He served as assistant principal at Broad Run High School from 1969 to 1970, and as principal of Loudoun County High School from 1975 to 1978. He moved up the administration ranks to positions that had him overseeing special education, foreign language, instruction, planning and pupil services before he was named superintendent in 1991.

He served as superintendent under five school boards, and three former School Board members—Joe Vogric, John Andrews and Robert DuPree—did not hesitate to say that the superintendent was stubborn when it came to fighting for funding for public education.

Whether board members wanted it or not, he gave them his opinion, Vogric said, "and it wasn't always done in a way that we liked it . . . but it was about setting policies and taking actions to ensure the best education of our children."

Most of the stories shared well beyond dinnertime Friday described Hatrick as a colleague, a mentor and a friend.

Whether a custodian or a principal loses a loved one, the superintendent can usually be seen at the funeral. Plays, football games, science fairs, club dedications, essay contests and, yes, retirement dinners, he's been there.

"We always knew that he cared about us," Pearson said.

"There's still a family feel about this district because that's how he wants it to be," Sharon Ackerman, who worked alongside Hatrick as assistant superintendent of instruction for 15 years, said.

W. John Brewer, principal at Dominion High School, joked that the school administration office, while called the Taj Mahal or "the palace" by some, "from time to time it's simply the woodshed." He said Hatrick didn't scold principals or teachers but he used those moments to teach. "He helped us grow personally and professionally," Brewer said. "We've become better educators, and we've become better people."

Whitely, who attended high school with Hatrick and later taught under his leadership, told a story about the superintendent's impression at their class's recent 50-year reunion. After a friend greeted Hatrick, she leaned over to Whitely and said, "You know, success hasn't spoiled him one bit. He's still Skip."

Eric Williams will officially take the helm of the school system as superintendent Tuesday.

## HONORING HOOVER CASE

### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2014

Mr. LONG. Mr. Speaker, I rise today to recognize and honor Hoover Case on having the Ozark Empire Fair Foundation's annual Gold Buckle Gala dedicated in his honor.

The Ozark Empire Fair Foundation was established in 2003 as a non-profit organization working to preserve Southwest Missouri's vast agricultural history and to sustain and better the Ozark Empire Fairgrounds.

Since 2004, the Foundation has held an annual gala to recognize the efforts of outstanding 4-H and FFA livestock exhibitors and to award grants and scholarships to local youths. In the ten years the event has been held, the Foundation has awarded almost \$600,000 to local youths and raised over \$521,000 in funds to be used for fairground improvements.

Each year, the Gold Buckle Gala is dedicated to a philanthropist that has shown outstanding support of the Foundation's goals. This year's recipient, Hoover Case of Marshfield, MO, has proved more than deserving. Case, a longtime auctioneer, created a mentoring program, Brangus for Kids, as a way of giving back to the purebred world and connecting kids with potential show animals. Case has also shown great support and love for the annual fair by being an involved volunteer. It is because of Case's continued dedication and commitment that the Foundation is able to impact the lives of so many.

I would like to thank Hoover Case for his continued support and devotion towards the Ozark Empire Fair and Ozark Empire Fair Foundation and congratulate him once again on having this year's Gold Buckle Gala held in his honor.

## RECOGNIZING THE IMPORTANCE OF INTERNATIONAL ADOPTION

### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2014

Mr. REED. Mr. Speaker, I rise today to recognize the importance of international adoption. Adoption is an important building block that contributes to strong and loving families for children and parents alike.

I recently met with a family from my congressional district which adopted a young girl from Nepal. The family experienced a great deal of difficulty throughout the adoption process, as evidenced by the numerous administrative roadblocks they encountered. However, the family persevered through the adversity and eventually completed the adoption process, welcoming a new daughter into their family.

The family's dedication to providing a better life for an orphan born into poverty on the other side of the world exemplifies the spirit of international adoption. The family's perseverance is a symbol of hope for the thousands of children living in orphanages around the world who yearn to become part of a loving and nurturing family. No matter the country or con-

tinued, children in each corner of the globe deserve to be part of a family.

As Americans, we should take every opportunity to offer a helping hand to those who are less fortunate. Today, there are thousands of orphanages with a growing number of children waiting to be adopted by a loving family that will provide sustenance, support, and stability. By providing these underprivileged children with the American ideals of hope and opportunity, we not only brighten their future, but America's future as well.

## TRIBUTE TO DR. VINCENT HARDING

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2014

Ms. DeGETTE. Mr. Speaker, on behalf of myself, Congressman JOHN LEWIS, and Congressman RUSH HOLT, I rise to honor the life of one of Colorado's most respected and honorable residents, Dr. Vincent Harding, who passed away May 19 at age 82. This remarkable man merits both our recognition and gratitude for his unwavering efforts to improve our society. He leaves behind an impressive record of leadership in social justice and education, and he made an enormous impact on many lives.

Vincent Harding lived a life of compassion and was committed to the "beloved community" that his friend and colleague, Dr. Martin Luther King, Jr., dreamed this country could become. We are fortunate to have been touched by such an intellectually gifted man. He was an historian, theologian, teacher, social justice activist, author, and much more. The legacy that Dr. Harding leaves behind should inspire us all to continue to build on the foundation of nonviolence, justice and equality. The passion and dedication with which he labored is evident in his life's work.

Born in 1931 in Harlem, Vincent Harding attended City College of New York, earning a BA in history. For the following 15 years he demonstrated his dedication to education as he earned a master's degree in both journalism and history as well as a PhD in history. Dr. Harding, along with his first wife, the late Rosemarie Freeney, a writer and activist in her own right, moved to Atlanta in 1961 to become involved in the American civil rights movement. There, he fought for equality as an advisor to Dr. Martin Luther King, Jr. Dr. Harding drafted several of Dr. King's speeches and is best known for writing his "Beyond Vietnam" speech, a landmark 1967 anti-war sermon. Following Dr. King's death, Dr. Harding wrote a book, Martin Luther King: The Inconvenient Hero, and he served as the first director at King's memorial center.

As a professor, Dr. Harding had an impact on countless students. He taught at a number of universities, including the University of Pennsylvania, Spelman College and Temple University, and he spent nearly three decades teaching at Denver's Iliff School of Theology. He founded the Veteran's Hope Project in order to preserve the lessons we have learned from social justice leaders. Dr. Harding's dedication did not end with his retirement. He still worked to achieve his vision of utilizing social justice activism to connect spirit, creativity,